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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,638	02/24/2005	Martin Hofmeister	27392/26949	2118
4743	7590	07/10/2007	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			DESTA, ELIAS	
		ART UNIT	PAPER NUMBER	
		2857		
		MAIL DATE		DELIVERY MODE
		07/10/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/525,638	HOFMEISTER, MARTIN	
	Examiner	Art Unit	
	Elias Desta	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 April 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4,5,10-13,18-20 and 25-34 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Amendment

1. Applicant's remarks see amendment, filed 4/9/2007, with respect to the rejections of claims 1 and 4-24 under 35 U.S.C. 101 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. The amendment to the antecedent basis objection of claims 4, 12 and 19 has been accepted. The Examiner acknowledges the cancellation of claims 2, 3, 6-9, 14-17 and 21-24.

However, upon further consideration, a new ground of rejection is made in view of Tsukahara et al. (U.S. Patent 4,827,516, hereon Tsukahara). Examiner acknowledges the newly added claims 25-34.

Explanation of Rejection

Claim rejection – 35 U.S.C. 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 5 10-13, 18-20 and 25-34 are rejected under 35 U.S.C. 102(b) as anticipated by Tsukahara et al. (U.S. Patent 4,827,516, hereon Tsukahara).

In reference to claims 1 and 25: *Tsukahara* teaches a method of determining an envelope curve of a modulated input signal (see *Tsukahara*, Abstract and Fig. 1, 2A and 2B). The method comprises:

- Generating digital samples by digital sampling a modulated signal (see *Tsukahara*, column 10, lines 43-47);
- Generating Fourier-transformed samples by Fourier transforming the digital samples (see *Tsukahara*, Fig. 2B, Fourier-transform circuit);
- Generating sideband-cleared, Fourier-transformed samples by removing a range with positive frequencies from the Fourier-transformed samples (see *Tsukahara*, Fig. 2B, spectrum extractor);
- Generating inverse-transformed samples by inverse Fourier-transforming the sideband cleared, Fourier-transformed samples (see *Tsukahara*, Fig. 2B, section 114);
- Calculating the absolute value of the inverse-transformed samples, and displaying an envelope curve of the modulated input signal based on the absolute values of the inverse-transformed samples (see *Tsukahara*, Figs. 3 and 29).

With regard to claims 4, 5 and 26: *Tsukahara* further teaches that the system includes calculating the logarithms of the absolute values of the inverse-transformed samples relative to an effective value of the inverse transformed samples (see *Tsukahara*, Fig. 29).

With regard to claims 10 and 28: *Tsukahara* further teaches the method of generating sideband-cleaned, Fourier-transformed samples by moving a range with positive frequencies from

the Fourier-transformed signal samples includes removing a level component at a zero frequency because the variable frequency is done as the middle point between the two closest peaks to the frequency cut that come out of the peak continuation (see *Tsukahara*, Figs. 18 and 18B).

With regard to claims 11, 18, 29 and 32: *Tsukahara* further teaches that the method includes processing the inverse-transformed samples further only in such limited range that a cyclic continuation, which is caused by the Fourier transform and inverse Fourier transform, is suppressed (see *Tsukahara*, Fig. 18A).

With regard to claims 12, 19, 30 and 33: *Tsukahara* further teaches that the method includes calculating the logarithms of the absolute value of the inverse-transformed samples relative to an effective value of the inverse-transformed samples (see *Tsukahara*, Figs. 8A and 8B).

With regard to claims 13, 20, 27, 31 and 34: *Tsukahara* further teaches that the frequency distribution of the logarithms as a function of the logarithmized level (see *Tsukahara*, Figs. 9A and 9B).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. *Bonada* (IUA Article, 'Automatic Technique in Frequency Domain for Near-Lossless Time Scale Modification of Audio') teaches a system for obtaining a near-lossless, time-scaled, audio modification without any other perceptual change.

Art Unit: 2857

b. Nitta et al. (U.S. Patent 4,209,672) teaches a method and apparatus for measuring characteristics of a loudspeaker.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, ***THIS ACTION IS MADE FINAL.*** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elias Desta whose telephone number is (571)-272-2214. The examiner can normally be reached on M-Fri (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on (571)-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

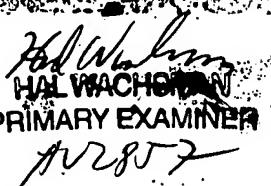
Art Unit: 2857

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Elias Desta
Examiner
Art Unit 2857

- E.D.

- June 29, 2007


HAL WACHSON
PRIMARY EXAMINER
AR2857